



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,665	04/27/2000	DAVID WILKINS	AND1P597	4368
29838	7590	11/07/2005		
OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE) PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609			EXAMINER OUELLETTE, JONATHAN P	
			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---------------------------------------------------	---------------------

09-560,665

EXAMINER
----------

ART UNIT	PAPER
----------	-------

20051102

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached correspondence.

## DETAILED ACTION

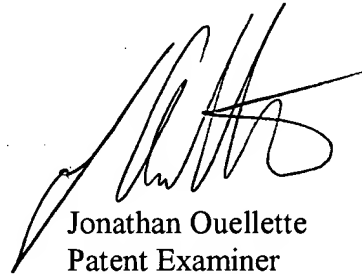
### ***NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)***

1. As indicated by the notice mailed to the Applicant on 10/3/2005, the brief does not contain the items of the brief required by 37 CFR 41.37(c)(1) under the appropriate headings and/or in the order indicated.
2. An in-depth review of the Appeal Brief indicates that the following sections are missing:
  - 1) "Summary of claimed subject matter," as set forth in 37 CFR § 41.37(c)(1)(v);
  - 2) "Grounds of rejection to be reviewed on appeal," as set forth in CFR § 41.37(c)(1)(vi);
  - 3) "Claims appendix," as set forth in 37 CFR § 41.37(c)(1)(viii);
  - 4) "Evidence appendix," as set forth in 37 CFR § 41.37(c)(1)(ix); and
  - 5) "Related proceedings appendix," as set forth in 37 CFR § 41.37(c)(1)(x).
3. A substitute brief that is in compliance with § 41.37(c) is required. For more information, see the United States Patent and Trademark website [www.uspto.gov](http://www.uspto.gov), and, in particular, the web page entitled "More Information on the Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule" located at the following URL:  
  
[www.uspto.gov/web/offices/dcom/bpai/fr2004/mooreinfo.html](http://www.uspto.gov/web/offices/dcom/bpai/fr2004/mooreinfo.html)
4. Since the previous submission appears to be a bona fide attempt to provide a complete and accurate appeal brief, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a revised appeal brief in compliance with § 41.37(c).

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

November 2, 2005



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600